

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

A GLOCK MODEL 22, .40 CALIBER  
PISTOL, SERIAL NO. 1ERY449US,

Defendant 1,

A RUGER 10/22, .22 CALIBER RIFLE,  
SERIAL NO. 000323100,

Defendant 2,

AN ANDERSON MANUFACTURING  
AM-15, .556 CALIBER RIFLE, SERIAL  
NO. 14102486,

Defendant 3.

A MOSSBERG MAVERICK MODEL 88,  
12-GAUGE SHOTGUN, SERIAL NO.  
MV36904H,

Defendant 4,

AN ANDERSON MANUFACTURING  
AM-15, .556 CALIBER RIFLE, SERIAL  
NO. 14102458,

Defendant 5,

APPROXIMATELY 38,974  
WINCHESTER SMALL PRIMERS,

Defendant 6,

and

Case No. 2:19-cv-4990

**VERIFIED COMPLAINT FOR  
FORFEITURE IN REM**

**THREE (3) SHADOW OPS SILENCERS, :**  
**Defendant 7. :**

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Plaintiff, United States of America, by its undersigned counsel, alleges the following for its action against the defendants in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure.

### **NATURE OF THE ACTION**

1. This is a civil action *in rem* brought to enforce 18 U.S.C. § 924(d)(1), which provides, in pertinent part, for the forfeiture to the United States of:

Any firearm or ammunition involved in or used in any knowing violation of subsection (a)(4), (a)(6), (f), (g), (h), (i), (j), or (k) of section 922 . . . .

2. As defined by 18 U.S.C. § 921(a)(3), the term “firearm” means the following:

(A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

3. As defined by 18 U.S.C. § 921(a)(17)(A), “[t]he term ‘ammunition’ means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.”

### **THE DEFENDANTS IN REM**

4. Defendant 1 is a Glock model 22, .40 caliber pistol, Serial No. 1ERY449US. On or about May 15, 2019, the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), with assistance from members of the Fairfield County Community Control Department and the Fairfield County Sheriff’s Office, seized Defendant 1 from the residence located at 2160 Blue Valley Road SW, Lancaster, Ohio, pursuant to a Fairfield County Community Control home visit. The designated agent with the ATF will maintain custody of Defendant 1 during the pendency of this

action.

5. Defendant 2 is a Ruger 10/22, .22 caliber rifle, Serial No. 000323100. On or about May 15, 2019, the ATF, with assistance from members of the Fairfield County Community Control Department and the Fairfield County Sheriff's Office, seized Defendant 2 from the residence located at 2160 Blue Valley Road SW, Lancaster, Ohio, pursuant to a Fairfield County Community Control home visit. The designated agent with the ATF will maintain custody of Defendant 2 during the pendency of this action.

6. Defendant 3 is an Anderson Manufacturing AM-15, .556 caliber rifle, Serial No. 14102486. On or about May 15, 2019, the ATF, with assistance from members of the Fairfield County Community Control Department and the Fairfield County Sheriff's Office, seized Defendant 3 from the residence located at 2160 Blue Valley Road SW, Lancaster, Ohio, pursuant to a Fairfield County Community Control home visit. The designated agent with the ATF will maintain custody of Defendant 3 during the pendency of this action.

7. Defendant 4 is a Mossberg Maverick model 88, 12-gauge shotgun, Serial No. MV36904H. On or about May 15, 2019, the ATF, with assistance from members of the Fairfield County Community Control Department and the Fairfield County Sheriff's Office, seized Defendant 4 from the residence located at 2160 Blue Valley Road SW, Lancaster, Ohio, pursuant to a Fairfield County Community Control home visit. The designated agent with the ATF will maintain custody of Defendant 4 during the pendency of this action.

8. Defendant 5 is an Anderson Manufacturing AM-15, .556 caliber rifle, Serial No. 14102458. On or about May 15, 2019, the ATF, with assistance from members of the Fairfield County Community Control Department and the Fairfield County Sheriff's Office, seized Defendant 5 from the residence located at 2160 Blue Valley Road SW, Lancaster, Ohio, pursuant

to a Fairfield County Community Control home visit. The designated agent with the ATF will maintain custody of Defendant 5 during the pendency of this action.

9. Defendant 6 is approximately 38,974 Winchester small primers. On or about May 15, 2019, the ATF, with assistance from members of the Fairfield County Community Control Department and the Fairfield County Sheriff's Office, seized Defendant 6 from the residence located at 2160 Blue Valley Road SW, Lancaster, Ohio, pursuant to a Fairfield County Community Control home visit. The designated agent with the ATF will maintain custody of Defendant 6 during the pendency of this action.

10. Defendant 7 is three (3) Shadow Ops silencers, Serial Nos. SHDW45-0193, SHDW45-0194, and SHDW45-0195. On or about May 15, 2019, the ATF, with assistance from members of the Fairfield County Community Control Department and the Fairfield County Sheriff's Office, seized Defendant 7 from the residence located at 2160 Blue Valley Road SW, Lancaster, Ohio, pursuant to a Fairfield County Community Control home visit. The designated agent with the ATF will maintain custody of Defendant 7 during the pendency of this action.

#### **JURISDICTION AND VENUE**

11. Plaintiff brings this action *in rem* in its own right to forfeit and condemn the defendants under 18 U.S.C. § 924(d)(1). This Court has subject matter jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345 and over an action for forfeiture under 28 U.S.C. § 1355(a).

12. This Court has *in rem* jurisdiction over the defendants under 28 U.S.C. § 1355(b)(1)(A) because acts and omissions giving rise to the forfeiture occurred in the Southern District of Ohio.

13. Venue is proper in this district under 28 U.S.C. § 1355(b)(1)(A) because acts and

omissions giving rise to the forfeiture occurred in the Southern District of Ohio and under 28 U.S.C. § 1395 because the defendants were seized in the Southern District of Ohio.

### **BASIS FOR FORFEITURE**

14. The defendants are subject to forfeiture, pursuant to 18 U.S.C. § 924(d)(1), because they were involved in a violation of 18 U.S.C. § 922(g)(1), that is, possession of a firearm or ammunition, in or affecting interstate commerce, by an individual who knows that he has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year.

### **FACTS**

15. On January 29, 2018, David Scott Scofield (“Scofield”) entered a plea of no contest to Improperly Handling Firearms in a Motor Vehicle, in violation of Sections 2923.16(B) and 2923.16(I) of the Ohio Revised Code, a felony of the fourth degree, a crime punishable by more than one year in prison, in Case Number 2016 CR 00475 in the Court of Common Pleas of Fairfield County, Ohio.

16. On or about February 8, 2018, the court issued a Judgment Entry of Sentence accepting Scofield’s plea, finding him guilty of the charge and sentencing him to five years of community control subject to the general supervision of the Adult Probation Department. As part of his sentence, Scofield agreed and acknowledged that he could not possess any firearms, dangerous weapons, or ordinances.

17. On or about May 15, 2019, members of the Fairfield County Community Control Department, with assistance from the Fairfield County Sheriff’s Office, conducted a home visit at Scofield’s residence located at 2160 Blue Valley Road SW, Lancaster, Ohio, in the Southern District of Ohio. Scofield and his girlfriend, Elena Larue, were the only people present.

18. Upon entering the residence, officers located a large safe in the living room that

blocked access to the residence's front door. Scofield initially denied having access to the safe and stated that his girlfriend Elena should have the key.

19. Officers then asked Scofield about accessing the safe with a combination. Scofield initially denied knowledge of the combination but eventually provided a combination for the safe. When officers tried the combination, it did not work. Officers then asked Scofield to go into the residence to open the safe. After approximately five tries, Scofield was able to open the safe. Upon opening the safe, officers found several firearms inside.

20. After locating the firearms, Probation Officer Samantha Green requested assistance with the search of the residence from the ATF. During the search of Scofield's residence, officers recovered and seized the following firearms and ammunition, among other things, from the residence:

- a. A Glock model 22, .40 caliber pistol, Serial No. 1ERY449US;
- b. A Ruger 10/22, .22 caliber rifle, Serial No. 000323100;
- c. An Anderson Manufacturing AM-15, .556 caliber rifle, Serial No. 14102486;
- d. A Mossberg Maverick model 88, 12-gauge shotgun, Serial No. MV36904H;
- e. An Anderson Manufacturing AM-15, .556 caliber rifle, Serial No. 14102458;
- f. Approximately 38,974 Winchester small primers; and
- g. Three (3) Shadow Ops silencers, Serial Nos. SHDW45-0193, SHDW45-0194, and SHDW45-0195.

21. Following the seizure, ATF Special Agent James Bajus ("SA Bajus"), who is trained and qualified to examine firearms and ammunition to determine the origin and status as to

the travel of firearms and ammunition in interstate and/or foreign commerce, inspected the seized firearms and ammunition. Based upon his examination, ATF SA Bajus determined the following.

- a. The Glock model 22, .40 caliber pistol, Serial No. 1ERY449US, was manufactured by Glock GmbH in Austria. It was imported to the United States by Glock Inc., Smyrna, Georgia.
- b. The Ruger 10/22, .22 caliber rifle, Serial No. 000323100, was manufactured by Strum, Ruger & Co., Inc., in the State of New Hampshire.
- c. The AM-15, .556 caliber rifles bearing Serial Nos. 14102486 and 14102458 were manufactured by Anderson Manufacturing in the State of Kentucky.
- d. The Maverick model 88, 12-gauge shotgun, Serial No. MV36904H, was manufactured by O.F. Mossberg & Sons, Inc. (Maverick Arms Inc.) in the State of Texas.
- e. The Winchester small primers were manufactured by Winchester in either the State of Mississippi or the State of Illinois.
- f. The Shadow Ops silencers bearing Serial Nos. SHDW45-0193, SHDW45-0194, and SHDW45-0195, were manufactured by Shadow Ops Weaponry, LLC, located in the State of Colorado.

22. Therefore, SA Bajus determined that the seized firearms and ammunition moved in or affected interstate commerce to arrive in Ohio.

23. On or about June 27, 2019, Scofield, with his attorney, appeared before the Fairfield County Court of Common Pleas for the community control violation related to the May 15, 2019, discovery of firearms and other items in his residence. At the hearing, Scofield acknowledged that he violated the terms of his community control.

24. Based on the forgoing facts, the United States asserts that the Glock model 22, .40 caliber pistol, Serial No. 1ERY449US (Defendant 1); the Ruger 10/22, .22 caliber rifle, Serial No. 000323100 (Defendant 2); Anderson Manufacturing AM-15, .556 caliber rifle, Serial No. 14102486 (Defendant 3); Mossberg Maverick model 88, 12-gauge shotgun, Serial No. MV36904H (Defendant 4); Anderson Manufacturing AM-15, .556 caliber rifle, Serial No. 14102458 (Defendant 5); approximately 38,974 Winchester small primers (Defendant 6); and three (3) Shadow Ops silencers, Serial Nos. SHDW45-0193, SHDW45-0194, and SHDW45-0195 (Defendant 7) were involved in a violation of 18 U.S.C. § 922(g)(1), that is possession of a firearm or ammunition, in or affecting interstate commerce, by an individual who knows that he has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, and are therefore subject to forfeiture to the United States under 18 U.S.C. § 924(d)(1).

**CLAIM FOR RELIEF**

WHEREFORE, the plaintiff respectfully requests that:

- (a) pursuant to Rule G(3)(b)(i), Supplemental Rules, the Clerk issue a warrant of arrest *in rem*, directing the United States to arrest and seize the defendants and to retain the same in its custody subject to further order of the Court;
- (b) the Court, pursuant to Rule G(4), Supplemental Rules, direct the United States to give notice to all persons and entities having an interest in the defendants to assert, in conformity with the law, a statement of any interest they may have, including notice by publication on the official government website, [www.forfeiture.gov](http://www.forfeiture.gov), for 30 consecutive days;
- (c) the forfeiture of the defendants to the United States be confirmed, enforced, and ordered by the Court;
- (d) the Court thereafter order the United States to dispose of the defendants as provided



by law; and

(e) the Court award the United States all other relief to which it is entitled, including the costs of this action.

Respectfully submitted,

DAVID M. DEVILLERS  
United States Attorney

s/Deborah D. Grimes

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**VERIFICATION**

I, James D. Bajus, hereby verify and declare under penalty of perjury that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives, that I have read the foregoing Verified Complaint for Forfeiture *In Rem* and know the contents thereof, and that the matters contained in the complaint are true to my own knowledge, except those matters stated to be alleged on information and belief and as to those matters, I believe them to be true.

The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, information supplied to me by other law enforcement officers, and my investigation of this case.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct.

11/12/19  
Date \_\_\_\_\_

  
\_\_\_\_\_  
JAMES D. BAJUS, Special Agent  
Bureau of Alcohol, Tobacco, Firearms and  
Explosives